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# **Notice of Allowability**

<b>Application No.</b>	<b>Applicant(s)</b>	
10/658,441	BLOCK ET AL.	
<b>Examiner</b>	<b>Art Unit</b>	
Rhonda S. Peace	2874	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment filed 7/26/2005.
2. ☒ The allowed claim(s) is/are 1, 2, 4-27 and 29.
3. ☒ The drawings filed on 08 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

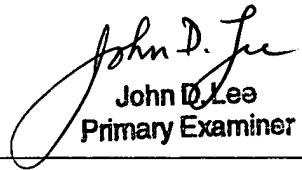
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

  
**John D. Lee**  
**Primary Examiner**

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows: The "status identifier" for claim 27 has been changed from "Original" to "Currently Amended" in the amended claims submitted by the applicant 7/26/2005.

### ***Response to Arguments***

Applicant's arguments, see pages 9 and 10 of applicant's amendment, filed 7/26/2005, with respect to claims 1, 2, 6-9, 12-22, 24, 27, and 29 have been fully considered and are persuasive, in further view of the further limitations added to independent claims 1, 17, and 27 which show novelty over the prior art, as discussed below. The 102(b) rejection of claims 1, 2, 6-9, 12-22, 24, 27, and 29 has been withdrawn.

Applicant's arguments, see page 11 of applicant's amendment, filed 7/26/2005, with respect to claims 3-5, 10, 11, 23, 25, 26, and 28 have been fully considered and are persuasive, as these claims inherit the unique limitations added to independent claims 1, 17 and 27 in the amendment filed 7/26/2005. A detailed description of the

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allowability of these claims is discussed below. The 103(a) rejection of claims 3-5, 10, 11, 23, 25, 26, and 28 has been withdrawn.

***Allowable Subject Matter***

Claims 1, 2, 4-27, and 29 are allowed.

The following is an examiner's statement of reasons for allowance: The most applicable prior art, being Leonard (US5533151) as addressed in a previous Office Action, does not disclose, nor does it suggest a waveguide in which the waveguide core and waveguide cladding have a high index contrast, where the indices of refraction of the core and cladding fall within the approximate ranges of 3.4 to 3.6 and 1.4 to 2.4, respectfully. Or alternatively, The most applicable prior art, being Leonard (US5533151) as addressed in a previous Office Action, does not disclose, nor does it suggest a waveguide in which the waveguide core and waveguide cladding have a high index contrast, where the different refractive indices differ by an amount of approximately 1 to 2. As the above-mentioned limitations, expressed in the independent claims 1, 17 and 27, have exhibited novelty over the applicable prior art, it is the opinion of the examiner that independent claims 1, 17, and 27, along with their dependent claims 2, 4-16, 18-26, and 29 contain patentable material and are therefore allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

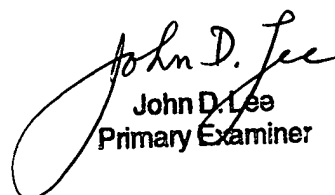
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda S. Peace whose telephone number is (571) 272-8580. The examiner can normally be reached on M-F (8-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272- 2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Rhonda S. Peace  
Examiner  
Art Unit 2874

  
John D. Lee  
Primary Examiner